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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,749	09/17/2003	Tadashi Tanabe	Q77569	5604
23373	7590	02/13/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			KIM, YUNSOO	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1644

DETAILED ACTION

1. Applicant's amendments and remarks filed on 11/21/05 are acknowledged.
2. Claims 1-12 have been canceled.
Claims 21-29 have been added.
Claims 13-20 have been amended.
Claims 13-29 are pending.

However, claims 25-29 drawn to a method of producing an antibody have been withdrawn as being canceled by originally non-elected claims.

3. Applicants' IDS filed on 11/21/05 has been acknowledged.
4. Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d) is acknowledged.
5. In view of Applicants' amendment to specification and claims, the rejections set forth in the previous office action mailed 8/24/05 (sections 6 –16) have been withdrawn.
6. The following new grounds of rejections are necessitated by Applicant's addition of new claims and amendment to claim filed on 11/21/05.
7. The following is a quotation of the first paragraph of 35 U.S.C. 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out this invention.
8. Claims 13-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a New Matter rejection for the following reasons:

Art Unit: 1644

The specification as filed does not provide a written description or set forth metes and bounds of the term "an epitope". The specification does not provide direction for the above mentioned phrase as they are currently recited. As it is well known in the art that the epitope can be 6-15 amino acids, the specification does not have any support to exclude epitopes less than 12 amino acids. Furthermore, the epitope is not limited to a protein but includes polysaccharides, lipopolysaccharides (Kuby, Immunology, 2000, p. 14). The instant claims now recite limitations which were not clearly disclosed in the specification as filed, and now change the scope of instant disclosure as filed. Such limitations recited in the present claims, which did not appear in the specification as filed, introduce new concepts and violate the description requirement of the first paragraph of 35 U.S.C.112. Applicant is required to cancel the new matter in the reply to this office action.

9. No claims are allowable.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yunsoo Kim whose telephone number is 571-272-3176. The examiner can normally be reached on Monday thru Friday 8:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yunsoo Kim
Patent Examiner
Technology Center 1600
January 27, 2006


Patrick J. Nolan, Ph.D.
Primary Examiner
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